



PTO/SB/21 (09-04)

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## TRANSMITTAL FORM

(to be used for all correspondence after initial filing)

Total Number of Pages in This Submission

11+

Application Number

10/731,173

Filing Date

December 8, 2003

First Named Inventor

Shawn W. O'Driscoll

Art Unit

3732

Examiner Name

Unknown

Attorney Docket Number

AMC 340US

### ENCLOSURES (Check all that apply)

|   |   |   |
|---|---|---|
| <input type="checkbox"/> Fee Transmittal Form<br><input checked="" type="checkbox"/> Fee Attached<br><br><input type="checkbox"/> Amendment/Reply<br><input type="checkbox"/> After Final<br><input type="checkbox"/> Affidavits/declaration(s)<br><br><input type="checkbox"/> Extension of Time Request<br><br><input type="checkbox"/> Express Abandonment Request<br><br><input checked="" type="checkbox"/> Information Disclosure Statement<br>(Third Supplemental)<br><br><input type="checkbox"/> Certified Copy of Priority<br>Document(s)<br><br><input type="checkbox"/> Reply to Missing Parts/<br>Incomplete Application<br><input type="checkbox"/> Reply to Missing Parts<br>under 37 CFR 1.52 or 1.53 | <input type="checkbox"/> Drawing(s)<br><input type="checkbox"/> Licensing-related Papers<br><br><input type="checkbox"/> Petition<br><input type="checkbox"/> Petition to Convert to a<br>Provisional Application<br><input type="checkbox"/> Power of Attorney, Revocation<br><input type="checkbox"/> Change of Correspondence Address<br><br><input type="checkbox"/> Terminal Disclaimer<br><br><input type="checkbox"/> Request for Refund<br><br><input type="checkbox"/> CD, Number of CD(s) _____<br><br><input type="checkbox"/> Landscape Table on CD | <input type="checkbox"/> After Allowance Communication to TC<br><input type="checkbox"/> Appeal Communication to Board<br>of Appeals and Interferences<br><input type="checkbox"/> Appeal Communication to TC<br>(Appeal Notice, Brief, Reply Brief)<br><input type="checkbox"/> Proprietary Information<br><input type="checkbox"/> Status Letter<br><input checked="" type="checkbox"/> Other Enclosure(s) (please Identify<br>below):<br>1. PTO 1449 Form (4)<br>2. Copies of References (3) |
| Remarks   |   |   |

### SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT

|              |                        |          |        |
|--------------|------------------------|----------|--------|
| Firm Name    | Kolisch Hartwell, P.C. |          |        |
| Signature    |                        |          |        |
| Printed name | James R. Abney         |          |        |
| Date         | January 9, 2006        | Reg. No. | 42,253 |

### CERTIFICATE OF TRANSMISSION/MAILING

I hereby certify that this correspondence is being facsimile transmitted to the USPTO or deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on the date shown below:

|                       |               |      |                 |
|-----------------------|---------------|------|-----------------|
| Signature             |               |      |                 |
| Typed or printed name | Lisa Holstein | Date | January 9, 2006 |

This collection of information is required by 37 CFR 1.5. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to 2 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:

Date: January 9, 2006

SHAWN W. O'DRISCOLL and  
DAVID G. JENSEN

Serial No. : 10/731,173 Group Art Unit 3732

Filed : December 8, 2003 Examiner Candice Capri Stokes

For : BONE PLATES

Mail Stop AMENDMENT  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, Virginia 22313-1450

Sir :

**THIRD SUPPLEMENTAL INFORMATION DISCLOSURE STATEMENT**  
**UNDER 37 C.F.R. §§ 1.56, 1.97, and 1.98**

Applicants are submitting this Third Supplemental Information Disclosure Statement pursuant to 37 C.F.R. §§ 1.56, 1.97, and 1.98 to disclose to the U.S. Patent and Trademark Office the patents, publications, applications, and/or other references listed on the enclosed, completed PTO-1449 form(s). The filing of this Third Supplemental Information Disclosure Statement should not be construed as a representation that a search has been made or as an admission that the listed references are prior art for this application. Applicants respectfully request that the listed references be expressly considered during prosecution of the application, and that the references be made of record therein and appear among the "references cited" on any patents issuing therefrom.

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## **CONTENT OF DISCLOSURE**

This Third Supplemental Information Disclosure Statement includes (1) four pages of PTO-1449 forms, and (2) a legible copy of each foreign and non-patent reference, if any, listed on the form(s). However, because this application was filed on or after July 1, 2003, no copies of U.S. patents or published U.S. patent applications are included.

## **FOREIGN-LANGUAGE REFERENCES**

A concise explanation of the relevance of each listed reference not in the English language follows:

European Patent No. EP 0415837 A2 - This document appears to disclose a bone fixation device, as illustrated in the figures.

## **TIMING OF DISCLOSURE / FEE INFORMATION**

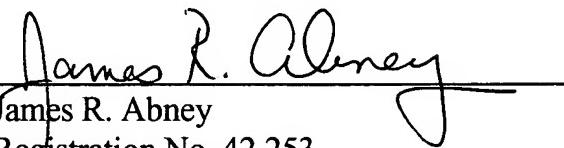
This Third Supplemental Information Disclosure Statement is being filed more than three months after the filing date of a national application or the date of entry of the national stage in an international application and after the mailing of a first Office action but, to the best of the undersigned's knowledge, before the mailing date of any of a final action under 37 C.F.R. § 1.113, a notice of allowance under 37 C.F.R. § 1.311, or an action that otherwise closes prosecution in the application. Therefore, in accordance with 37 C.F.R. § 1.97(c)(2), attached herewith is a check for \$130 for payment of the fee set forth in 37 C.F.R. § 1.17(p). The Commissioner is hereby authorized to charge any

additional fees that may be required, or to credit any overpayment, to Account No. 11-1540. A duplicate copy of this sheet is enclosed.

Please contact the undersigned with any questions or comments regarding this Third Supplemental Information Disclosure Statement.

Respectfully submitted,

KOLISCH HARTWELL, P.C.

  
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Attorney for Applicant/Assignee

CERTIFICATE OF MAILING

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Mail Stop AMENDMENT, Commissioner for Patents, P.O. Box 1450, Alexandria, Virginia 22313-1450, on January 9, 2006.

  
Lisa Holstein

SHEET 1 OF 4

|   |  |   |                                  |
|---|--|---|----------------------------------|
| FORM PTO-1449<br><br>INFORMATION DISCLOSURE<br>CITATION IN AN APPLICATION |  | DOCKET NUMBER<br>ACM 340US                              | APPLICATION NUMBER<br>10/731,173 |
|   |  | APPLICANT(S)<br>Shawn W. O'Driscoll and David G. Jensen |                                  |
|   |  | FILING DATE<br>December 8, 2003                         | GROUP ART UNIT<br>3732           |

## U.S. PATENT DOCUMENTS

| EXAMINER INITIAL | DOCUMENT NUMBER | DATE     | NAME           | CLASS | SUB CLASS | FIL. DATE IF APPROP. |
|------------------|-----------------|----------|----------------|-------|-----------|----------------------|
|                  | 1,345,425       | 7/6/20   | Wells          |       |           |                      |
|                  | 3,244,170       | 4/5/66   | McElvenny      |       |           |                      |
|                  | 3,346,894       | 10/17/67 | Lemelson       |       |           |                      |
|                  | 3,386,437       | 6/4/68   | Treace         |       |           |                      |
|                  | 3,604,414       | 9/14/71  | Borges         |       |           |                      |
|                  | 3,842,825       | 10/22/74 | Wagner         |       |           |                      |
|                  | 4,119,092       | 10/10/78 | Gil            |       |           |                      |
|                  | 4,750,481       | 6/14/88  | Reese          |       |           |                      |
|                  | 4,903,691       | 2/27/90  | Heinl          |       |           |                      |
|                  | 4,905,679       | 3/6/90   | Morgan         |       |           |                      |
|                  | 5,021,056       | 6/4/91   | Hofmann et al. |       |           |                      |
|                  | 5,085,660       | 2/4/92   | Lin            |       |           |                      |

## FOREIGN PATENT DOCUMENTS

|  | DOCUMENT NUMBER | DATE     | COUNTRY | CLASS | SUB CLASS | TRANSLATION<br>YES | NO |
|--|-----------------|----------|---------|-------|-----------|--------------------|----|
|  | EP 0415837 A2   | 3/6/91   | Europe  |       |           |                    | X  |
|  | WO 03/105712 A2 | 12/24/03 | WIPO    |       |           | X                  |    |
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|  | MIfx Dorsal IM Plate, brochure, DVO Extremity Solutions, September, 2005. |
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| EXAMINER | DATE CONSIDERED |
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|                  | 5,176,685       | 1/5/93   | Rayhack        |       |           |                      |
|                  | 5,254,119       | 10/19/93 | Schreiber      |       |           |                      |
|                  | 5,413,579       | 5/9/95   | Du Toit        |       |           |                      |
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|                  | 5,722,978       | 3/3/98   | Jenkins, Jr.   |       |           |                      |
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|                  | 6,004,353       | 12/21/99 | Masini         |       |           |                      |
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## OTHER DOCUMENTS

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|                  | 6,093,188       | 7/25/00  | Murray           |       |           |                      |
|                  | 6,129,730       | 10/10/00 | Bono et al.      |       |           |                      |
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|                  | 6,955,677       | 10/18/05 | Dahners          |       |           |                      |
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|                  | 2002/0128654    | 9/12/02  | Steger et al.    |       |           |                      |

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## OTHER DOCUMENTS

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| EXAMINER INITIAL  | DOCUMENT NUMBER | DATE  | NAME                             | CLASS | SUB CLASS | FIL. DATE IF APPROP.                   |
|   | 2002/0183752    | 12/5/02   | Steiner et al.                   |       |           |  |
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| <b>FOREIGN PATENT DOCUMENTS</b>   |                 |   |                                  |       |           |  |
|   | DOCUMENT NUMBER | DATE  | COUNTRY                          | CLASS | SUB CLASS | TRANSLATION<br>YES                  NO |
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| <b>OTHER DOCUMENTS</b>  |                 |   |                                  |       |           |  |
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| EXAMINER  |                 |   | DATE CONSIDERED                  |       |           |  |